



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 29, 2000

Laurence S. Zakson, Esquire
Reich, Adell, Crost & Cvitan
501 Shatto Place, Suite 100
Los Angeles, CA 90020-1792

RE: MUR 4753
Cammermeyer 2 Congress
and Paul Fournier, as treasurer

Dear Mr. Zakson:

On February 18, 2000, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 434(b)(3)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.


The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Laurence S. Zakson, Esquire
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Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1650.

Sincerely,



Kamau Philbert
Attorney

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Cammermeyer 2 Congress) MUR 4753
and Paul Fournier, as treasurer)

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FEDERAL ELECTION
COMMISSION
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CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Paul M. Elvig. The Federal Election Commission ("Commission") found reason to believe that Cammermeyer 2 Congress and Paul Fournier, as treasurer ("Respondents" or "Committee") violated 2 U.S.C. § 434(b)(3)(A).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

- I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding.
- II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondents enter voluntarily into this agreement with the Commission.
- IV. The pertinent facts in this matter are as follows:
 1. Cammermeyer 2 Congress is a political committee within the meaning of 2 U.S.C. § 431(4) and is the principal campaign committee of Dr. Margarethe Cammermeyer, Democratic candidate for United States Congress in the Second District of Washington in 1998.

2. Paul Fournier is the treasurer for Cammermeyer 2 Congress.
3. The Federal Election Campaign Act of 1971, as amended ("the Act") requires political committees to file periodic reports of receipts and disbursements.

2 U.S.C. § 434(a)(1). Each report must also disclose the identification of each person making aggregate contributions to the reporting committee in excess of \$200 in the calendar year. 2 U.S.C. § 434 (b)(3)(A). The term "person" includes individuals. 2 U.S.C. § 431(11). Identification of an individual includes the name, mailing address, occupation of the individual and the name of the individual's employer. 2 U.S.C. § 431(13).
4. The Act also provides that when the treasurer of a committee shows that it has made "best efforts" to obtain, maintain, and submit the information required by the Act, any report or records of the committee shall be considered in compliance with the Act. 2 U.S.C. § 432(i).
5. The Commission's regulations further provide that the treasurer and the committee will only be deemed to have exercised best efforts if all written solicitations for contributions include a clear request for the requisite contributor information and an accurate statement of Federal law regarding the collection and reporting of the information. 11 C.F.R. § 104.7(b)(1). For each contribution received without the required information, the committee or treasurer is required to make at least one stand alone follow-up request for the missing information within thirty days of receipt of the contribution by clearly asking for the missing

information without also soliciting another contribution. The treasurer is also required to report all contributor information in possession of the committee and to report the missing information as an amendment to its reports. 11 C.F.R. § 104.7(b).

6. Although the Committee's written solicitations for contributions included a clear request for the requisite contributor information and an accurate statement of Federal law regarding the collection and reporting of the information, a review of the Committee's 1998 April Quarterly Report showed that of the 371 individual contributors listed on the report, 202 of them lacked occupation and employer information. The contributions at issue were received between January and March 31 of 1998.
7. Respondents contend that they diligently made timely follow-up, stand alone requests for the missing contributor information within 30 days of receipt of the contributions and provided affidavits from former campaign workers in support of their contention. However, Respondents are unable to provide records evidencing their asserted compliance efforts.
8. In correspondence to the Commission, the Committee stated that it had obtained the missing information for two-thirds of the contributors and that the information would be submitted by June 30, 1998 in an amended report.
9. The Committee's next regularly scheduled reporting date was July 15, 1998. However, the amendment was not submitted by the Committee until December 21, 1998, eight months later and after the general election.


10. Respondents included the requisite contributor information for 27 of the 202 contributors in the July 1998 Quarterly Report and information for an additional 14 contributors in the October 1998 Quarterly report in connection with additional contributions received from those contributors. Respondents contend that reporting the requisite contributor information for those 41 individuals mitigates the violations with respect to those contributors.
 11. In order for a report with incomplete contributor identification information to be deemed in compliance with the Act, a committee and treasurer must demonstrate that they made "best efforts" under the Act.
 12. Respondents failed to provide complete contributor information in the 1998 April Quarterly Report and did not comply with the requirements for demonstrating "best efforts" under the Act.
- V. Respondents violated 2 U.S.C. § 434(b)(3)(A).
- VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of fifteen thousand dollars (\$15,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).
- VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.
- VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

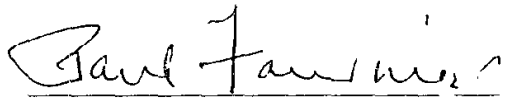
FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

2/28/00
Date

FOR THE RESPONDENTS:


Paul Fournier
Treasurer for Cammermeyer 2 Congress

1.26.00
Date